

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RANDELL BROWN,)	
Register No. 179887,)	
)	
Plaintiff,)	
)	
v.)	No. 02-4232-CV-C-NKL
)	
KEITH V. FORTNER, et al.,)	
)	
Defendants.)	

ORDER

An amended complaint was filed in this case on July 15, 2005. Discovery is ongoing and dispositive motions are not due until February 28, 2006. Therefore, upon review, the court finds the issues in defendant Fortner's motion for summary judgment may change from those presented on April 22, 2005, when such motion was filed. For purposes of clearing the record of an outstanding motion, defendant's motion will be denied, without prejudice, subject to refileing in accordance with the scheduling order should defendant deem it appropriate.

IT IS, THEREFORE, ORDERED that defendant Fortner's motion for summary judgment is denied, without prejudice [143].

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: November 7, 2005
Jefferson City, Missouri